

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY, )  
Plaintiff and )  
Counterclaim-Defendant, )  
v. )  
VAN SCOY DIAMOND MINE OF ) Case No. 05-108 (KAJ)  
DELAWARE, INC., a Delaware corporation, )  
KURT VAN SCOY, and DONNA VAN SCOY, )

## **NOTICE OF DEPOSITION**

To: John G. Day, Esquire  
Ashby & Geddes  
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P.O. Box 1150  
Wilmington, DE 19899

Michael C. Petock, Esquire  
Micheal F. Petock, Esquire  
Petock & Petock, LLC  
46 The Commons at Valley Forge  
1220 Valley Forge Rd.  
P.O. Box 856  
Valley Forge, PA 19482-0856

TAKE NOTICE that Defendants and Counterclaim-Plaintiff Van Scoy Diamond Mine of Delaware, Kurt Van Scoy and Donna Van Scoy, will take the deposition of Alan Lapidus on Tuesday October 4, 2005 at 10 a.m. at the law offices of Burke and Burke, located at 1460 Wyoming Avenue, Forty Fort, PA 18704. The deposition testimony will be recorded stenographically.

Counsel are permitted to attend and take part as permitted by the Rules.

FOX ROTHSCHILD LLP

By: /s/ Sharon Morgan  
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Attorneys for Defendants and  
Counterclaim Plaintiff

Dated: September 29, 2005

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